

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

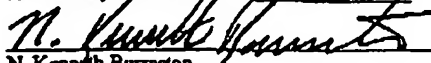
1 Date of Request: <u>2-28-06</u>		2 Serial/Patent # <u>10/034412</u>	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED
<input type="checkbox"/>	Filing		\$
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<input type="checkbox"/>	Petition		\$ 130
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<input type="checkbox"/>	Other <u>RCE</u>		\$ 790
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10 REASON:		8 TO BE REFUNDED BY:	
<input type="checkbox"/>	Overpayment	<input type="checkbox"/> Treasury Check	
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<input type="checkbox"/>	No Fee Due (Explanation):	<u>50--0843</u>	
<u>Petition dismissed as moot</u>		<u>Credit Card</u>	
11 REFUND REQUESTED BY:			
TYPED/PRINTED NAME: <u>Karen Creag</u>		TITLE: <u>Pet. Exm.</u>	
SIGNATURE: <u>Karen Creag</u>		PHONE: <u>2-3208</u>	
OFFICE: <u>OAC for Patents</u>			

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO at (571) 273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 February 15, 2006.


N. Kenneth Burraston

Ref No. 12439-0141

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FEB 15 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/034,412
Applicant : Mathieu et al.
Filed : December 27, 2001
TC/A.U. : 2829
Examiner : Vinh P. Nguyen

Confirmation No. 2559

Refund Ref: 03/02/2006 0030029515

Credit Card Refund Total: \$920.00

Docket No. : 20206-18

VISA.....: XXXXXXXXXXXXX1637

Mail Stop Office Of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.313(C) TO WITHDRAW FROM ISSUE**To Whom It May Concern:**

Applicants respectfully petition the Commissioner under 37 C.F.R. § 1.313(c) that the above-identified patent application be withdrawn from issue to consider Applicants' request for continued examination of the application. 37 C.F.R. § 1.313(c)(2). A Request For Continued Examination (RCE) in compliance with 37 C.F.R. § 1.114 is submitted herewith. The RCE includes an Information Disclosure Statement ("IDS") citing U.S. Patent No. 6,674,627 to Kund (the "Kund patent"). Applicants previously filed an IDS citing a German language European patent document (EP 1098200) that corresponds to the Kund patent. Applicants only recently, however, became aware of the English language Kund patent issued in the U.S., and Applicants believe that the English language Kund patent should be brought to the Examiner's attention. Applicants believe that allowing the Examiner to consider the English language Kund patent constitutes good and sufficient reason for withdrawing the application from issue.

Note that the IDS submitted herewith also cites JP 09-5358 and WO 01/69274. The citation of those documents, however, does not form the grounds supporting withdrawal of the application from issue. Rather, as discussed above, citation of the Kund patent forms the grounds supporting withdrawal of the application from issue.

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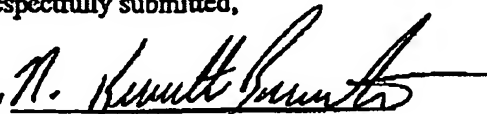
Appl. No. 10/034,412
Petition dated February 15, 2006

For the reasons discussed above, Applicants respectfully request that the above-identified patent application be withdrawn from issue and prosecution reopened in accordance with the RCE submitted herewith to allow the Examiner to consider the English language Kund patent.

Respectfully submitted,

Date: February 15, 2006

By



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Reg. No. 39,923

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PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Application Number	10/034,412
Filing Date	December 27, 2001
First Named Inventor	Mathieu et al.
Art Unit	2829
Examiner Name	Vinh P. Nguyen
Attorney Docket Number	20206-18

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☒ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Petition To Withdraw From Issue

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-0843. I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)

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ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

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iii. ☒ Other Any fees in addition to those specifically provided for

b. ☐ Check in the amount of \$ _____ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>N. Kenneth Burraston</i>	Date	February 15, 2006
Name (Print/Type)	N. Kenneth Burraston	Registration No.	39,923

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1460, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>N. Kenneth Burraston</i>	Date	February 15, 2006
Name (Print/Type)	N. Kenneth Burraston		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

PAGE 532 * RCVD AT 2/15/2006 4:47:14 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-637 * DNIS:2738300 * CSID:8013214893 * DURATION (mm:ss):08:28

Adjustment date: 03/02/2006 CKHLOK
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